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7 Attorneys for Anthony William Lopez

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
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* * *

11 UNITED STATES OF AMERICA,

2:13-cr-138-LDG-CWH

12 Plaintiff,

13 vs.

**STIPULATION FOR AN ORDER
UNDER TITLE 18 U.S.C. § 4246, et.seq.**

14 ANTHONY WILLIAM LOPEZ,

15 Defendant.
16

17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
18 States Attorney, and Cristina D. Silva, Assistant United States Attorney, counsel for the United
19 States of America, and Rene L. Valladares, Federal Public Defender, and William Carrico, Assistant
20 Federal Public Defender, counsel for ANTHONY WILLIAM LOPEZ.

21 1. The Parties, having the benefit of the Forensic Report, dated March 31, 2015, and
22 submitted to the Court on April 10, 2015, (CR #66 [sealed]), wish submit this Stipulation and
23 agreement to ask that this Honorable Court issue the appropriate Order as more fully described
24 herein.

25 2. The Parties agree that Defendant Anthony Lopez was committed to a suitable facility
26 according to the authority of Title 18 U.S.C. § 4241(d), so as to determine the mental competency
27 of Mr. Lopez to stand trial or undergo post-release proceedings.

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1 3. Through examination and therapy, the facility reports that Mr. Lopez's condition has
2 not improved so as to permit these proceedings to go forward in the normal course. Therefore, the
3 Parties agree that the requirements of Title 18 U.S.C. § 4246 are triggered.

4 4. The Parties recognize and agree that 18 U.S.C. § 4246(a) has as a requirement that
5 the Bureau of Prisons make a determination as to whether the person (Mr. Lopez) is currently
6 suffering from a mental disease or defect as a result of which his release would create a substantial
7 risk of bodily injury to another person or serious damage to property. Upon that determination, the
8 Bureau of Prisons must submit a certificate addressing the dangerousness of the person to the Court.
9 However, before the Court can Order that such a determination take place, the Parties agree that the
10 Court must first make a finding that Mr. Lopez's mental condition has indeed, not improved
11 sufficiently.

12 5. It is therefore agreed between counsel for both the United States and for Mr. Anthony
13 Lopez, that on the strength of the existing Report (#66), and all the pleadings and papers heretofore
14 filed in this case, that Mr. Lopez may fairly and legally be considered incompetent to proceed, as that
15 is measured under Title 18 U.S.C. § 4246(b), and consequently they join in asking this Court to enter
16 the appropriate finding by clear and convincing evidence, and that the Court then Order that the
17 facility examine Mr. Lopez to determine if his release would create a substantial risk of bodily injury
18 to another person or serious damage to property of another. (18 U.S.C. § 4246(a) & (d)).

19 DATED this 1st day of May, 2015.

20
21 RENE L. VALLADARES
Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

22 /s/ William Carrico
23 By: _____
24 WILLIAM CARRICO,
Assistant Federal Public Defender
25 Counsel for Anthony W. Lopez

26 /s/ Cristina D. Silva
27 By: _____
28 CRISTINA D. SILVA
Assistant United States Attorney
Counsel for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,
Plaintiff,
vs.
ANTHONY WILLIAM LOPEZ,
Defendant.

2:13-cr-00138-LDG-CWH

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACTS

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Parties, having the benefit of the Forensic Report, dated March 31, 2015, and submitted to the Court on April 10, 2015, (CR #66 [sealed]), wish submit this Stipulation and agreement to ask that this Honorable Court issue the appropriate Order as more fully described herein.

2. The Parties agree that Defendant Anthony Lopez was committed to a suitable facility according to the authority of Title 18 U.S.C. § 4241(d), so as to determine the mental competency of Mr. Lopez to stand trial or undergo post-release proceedings.

3. Through examination and therapy, the facility reports that Mr. Lopez's condition has not improved so as to permit these proceedings to go forward in the normal course. Therefore, the Parties agree that the requirements of Title 18 U.S.C. § 4246 are triggered.

4. The Parties recognize and agree that 18 U.S.C. § 4246(a) has as a requirement that the Bureau of Prisons make a determination as to whether the person (Mr. Lopez) is currently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property. Upon that determination, the Bureau of Prisons must submit a certificate addressing the dangerousness of the person to the Court. However, before the Court can Order that such a determination take place, the Parties agree that the

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2 sufficiently.

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4 Lopez, that on the strength of the existing Report (#66), and all the pleadings and papers heretofore
5 filed in this case, that Mr. Lopez may fairly and legally be considered incompetent to proceed, as that
6 is measured under Title 18 U.S.C. § 4246(b), and consequently they join in asking this Court to enter
7 the appropriate finding by clear and convincing evidence, and that the Court then Order that the
8 facility examine Mr. Lopez to determine if his release would create a substantial risk of bodily injury
9 to another person or serious damage to property of another. (18 U.S.C. § 4246(a) & (d)).

10 **ORDER**

11 IT IS HEREBY ORDERED, based on the report by the Bureau of Prisons regarding
12 defendant Anthony Lopez's mental incompetency, and the stipulation of all parties that Anthony
13 Lopez is incompetent, the Court hereby orders the defendant into the custody of the Bureau of
14 Prisons for the purpose of evaluating whether the person is suffering from a mental disease or
15 defect as a result of which his release would create a substantial risk of bodily injury to another
16 person or serious damage to the property. After completion of the evaluation the Bureau of Prisons
17 shall submit a certificate conveying its determinations.

18 IT IS FURTHER ORDERED that the parties shall send a copy of this order to the
19 Bureau of Prisons.

20 DATED: May 4, 2015

21 
United States Magistrate Judge